

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 16325 of 2004(R)

PETITIONER:

**BARATHARAJAN R., S/O.K.B.RAMASWAMI,
PRASANTHY, PERINGODU P.O., KOOTTANADU VIA.,
PALAKKAD DISTRICT.**

**BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.V.BALAKRISHNAN**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
CULTURAL AFFAIR, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. KERALA KALAMANDALAM,
CHERUTHURUTHY, THRISSUR DISTRICT,
REPRESENTED BY ITS SECRETARY.**
- 3. RECRUITMENT COMMITTEE,
KERALA KALAMANDALAM, CHERUTHURUTHY, THRISSUR DIST.,
REPRESENTED BY ITS CHAIRMAN.**
- 4. EXECUTIVE COMMITTEE,
KERALA KALAMANDALAM, CHERUTHURUTHY, THRISSUR DIST.,
REPRESENTED BY CHAIRMAN.**
- 5. KALAMANDALAM TRIPUNITHURA SASI,
ACHUTHA MANDAIRAM, NEAR KONKINNI TEMPLE,
TRIPUNITHURA P.O., ERNAKULAM.**
- 6. KALAMANDALAM HARIDASAN (VARAVOOR),
ALAMPULLY HOUSE, KUMARAPPANAI P.O.,
WADAKKANCHERRY VIA., THRISSUR DIST.**

**BY ADV. SRI.GEORGE POONTHOTTAM, SC,KALAMANDALAM
SRI.P.K.MADHUSOODANAN for R5 & R6
SRI.S.P.ARAVINDAKSHAN PILLAI, SC, KALAMANDALAM
BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN for R1**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE CERTIFICATE DTD. 30/11/2000 OF 'KATHAKALI-MADDHALAM' 4 YEAR DIPLOMA COURSE.
- EXT.P2: COPY OF THE CERTIFICATE DTD. 30/11/2000 OF 'KATHAKALI-MADDHALAM' 2 YEAR POST GRADUATE DIPLOMA COURSE.
- EXT.P3: COPY OF THE ORDER DTD. 16/02/2001 ISSUED BY THE MINISTRY OF TOURISM & CULTURE, GOVERNMENT OF INDIA, EVIDENCING GRANT OF SCHOLARSHIP TO THE PETITIONER.
- EXT.P4: COPY OF THE CERTIFICATE DTD. 23/05/2003 EVIDENCING WORK EXPERIENCE OF THE PETITIONER ISSUED FROM HIGH SCHOOL, PERINGODE.
- EXT.P5: COPY OF THE CERTIFICATE DTD. 29/08/2002 EVIDENCING THE PERFORMANCE OF THE PETITIONER IN HERMANN HESSE FESTIVAL 2002 IN GERMANY.
- EXT.P6: COPY OF THE CERTIFICATE DTD. 9/01/1993 ISSUED TO THE PETITIONER FOR PANCHAVADYAM IN THE KERALA STATE SCHOOL YOUTH FESTIVAL.
- EXT.P7: COPY OF THE CERTIFICATE DTD. 31/01/1994 ISSUED TO THE PETITIONER FOR PANCHAVADYAM IN THE KERALA STATE SCHOOL YOUTH FESTIVAL.
- EXT.P8: COPY OF THE INTERVIEW CARD DTD. 4/05/2004 ISSUED TO THE PETITIONER.

/TRUE COPY/

P.S.TO JUDGE

Kss

Antony Dominic, J.

=====

W.P(C).No.16325 of 2004

=====

Dated this the 1st day of August, 2007.

JUDGMENT

Petitioner had applied for the post of Second Grade Instructor – Kathakali-Maddhalam in the second respondent. It is stated that he was called for an interview and practical test and Ext.P8 is the memo issued in this behalf. Eventually, on completion of selection process, respondents 5 and 6 were selected and appointed and they have joined duty with effect from 1.6.2004.

2. Grounds on which the selection of respondents 5 and 6 is sought to be invalidated are those contained in paragraph 4 of the Writ Petition. According to the petitioner, Recruitment Committee consisted of two persons, who were teachers of respondents 5 and 6. It is also stated that one of the members of the Selection Committee was related to the fifth respondent and that the sixth respondent was working in the organisation on temporary basis. In the counter affidavit filed on behalf of

respondents 5 and 6 it is admitted that two members of the Recruitment Committee were their Teachers. But the counter affidavit proceeds to say that there were other students of the second respondent organisation, who did not succeed in the selection process. Allegation that one of the members of the Recruitment Committee is related to the fifth respondent is also seen denied.

3. In a selection process and that too in an organisation like the second respondent, it is not unnatural that Teachers of the organisation could be members of Recruitment Committee and that the students of the organisation could have participated as applicants. That by itself, cannot invalidate the selection. Therefore, participation of the two members in the Recruitment Committee does not advance the case of the petitioner in any manner. I am also not prepared to accept the allegation that one of the members of the Committee is related to the fifth respondent in the absence of any material and in the face of its denial. Further, even if the fifth respondent has worked in the second respondent in a temporary capacity, that cannot render him ineligible for the post, but would only be an added

advantage.

I do not find any merit in this Writ Petition and the same is dismissed. No order as to costs.

Antony Dominic,
Judge.

ess 1/8